

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-188

17 April 1980

MEMORANDUM FOR: Special Assistant to the DCI
for Compartmentation

STATINTL FROM:
Executive Secretary

SUBJECT: APEX Nondisclosure Agreement

1. I reject the NSA proposals for a Nondisclosure Agreement for Protected Information and have set forth my reasons separately. I am proposing to the Security Committee that they endorse and recommend for your adoption as the standard form in the APEX System, the present Nondisclosure Agreement for Sensitive Compartmented Information, Form 4066 (9-79), copy attached.

2. This Form 4066 is currently used throughout the government and industry. It is used by NSA in granting access to SCI material other than COMINT.

3. There are advantages and disadvantages to this proposal. The Advantages include:

a. Use of a known form. The CIB informs me that they dispatch an average of 10,000 copies of this form every 4 months and that it appears to serve the Community well.

b. The form has already been endorsed for use by the DCI's General Counsel.

c. The form satisfies the perception of security needs held by the Security Committee.

d. The form is acceptable to managers of major collection systems - with exceptions noted below.

e. The form can be adopted for use in the APEX Program as is or with the simple addition of the words "APEX SPECIAL ACCESS CONTROL SYSTEM" immediately below the current heading; and can be printed in sufficient numbers to be available by the end of the year.

The Disadvantages include:

a. The form does not include that additional language which General Counsels would like to include to assist them in court cases.

b. The form does not satisfy the perception of those who would like it to be an umbrella Secrecy Agreement (in the classical sense) and does not satisfy those agencies such as CIA who want a secrecy agreement as a condition of employment rather than as a condition of access.

4. I recommend that you support this approach in conversations with the DCI's General Counsel and if necessary directly to the DCI in preference to the proposals presented by NSA and encouraged by [redacted] at the 15 April meeting. I will keep you informed of Security Committee reaction to the proposal.

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[redacted]

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Attachment

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